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7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 CHAD DUGGINS,

15 Defendant.
16

Case No. 1:22-mj-00112-BAM

**STIPULATION TO CONTINUE HEARING
DATE AND TO MODIFY BRIEFING
SCHEDULE; ORDER**

17 IT IS HEREBY STIPULATED, by and between the parties through their respective
18 counsel, Assistant United States Attorney Jeffrey Spivak, counsel for plaintiff, and Assistant
19 Federal Defender Reed Grantham, counsel for Chad Duggins, that the hearing date for the
20 government's December 11, 2023 motion to dismiss be continued to Friday, March 15, 2024,
21 and that the currently set briefing schedule on the government's motion be modified in
22 accordance with the following.

23 On December 11, 2023, the government moved to dismiss this case pursuant to Rule
24 48(a) of the Federal Rules of Criminal Procedure, and did so "for reasons related to the mental
25 condition of [Mr. Duggins]," citing to 18 U.S.C. § 4246(a). Dkt. #27 at 2. On December 14,
26 2023, the Court set a hearing date for the government's motion on February 9, 2024, at 10:00
27 a.m., and issued an order directing the U.S. Marshals to transport Mr. Duggins in person for the
28 hearing. *See* Dkt. #28, #29. On January 16, 2024, the Court issued a minute order re-setting the

1 hearing in this matter to February 23, 2024. *See* Dkt. #32. On February 5, 2024, the Court
2 ordered a writ of habeas corpus ad prosequendum for Mr. Duggins' appearance on February 23,
3 2024. *See* Dkt. #35.

4 The parties are requesting to continue the hearing date in this matter from February 23,
5 2024, at 10:00 a.m. to March 15, 2024, at 2:00 p.m. and to modify the previously set briefing
6 schedule in accordance with the below. This request is made in order to provide the U.S.
7 Marshals with sufficient time to facilitate Mr. Duggins' timely transportation to this district and
8 to provide counsel for Mr. Duggins sufficient opportunity to prepare an opposition in this matter
9 as well as time for counsel to meet with Mr. Duggins upon his arrival in this district.

10 Accordingly, the parties hereby stipulate and agree that the hearing date be continued to March
11 15, 2024, at 2:00 p.m., and that the following briefing schedule be set with respect to the motion
12 in this case.

- 13 • Defense opposition to be filed on or before March 1, 2024
- 14 • Any government reply to be filed on or before March 8, 2024

15 These dates are mutually agreeable dates for the parties and the parties make this request with the
16 intention of conserving time and resources for both the parties and the Court.

17 Respectfully submitted,

18 PHILLIP A. TALBERT
19 United States Attorney

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21 Date: February 9, 2024

/s/ Jeffrey Spivak
JEFFREY SPIVAK
Assistant United States Attorney
Attorney for Plaintiff

24 HEATHER E. WILLIAMS
25 Federal Defender

26 Date: February 9, 2024

/s/ Reed Grantham
REED GRANTHAM
Assistant Federal Defender
Attorney for Defendant
CHAD DUGGINS

ORDER

IT IS SO ORDERED. The hearing date for the government's motion to dismiss is hereby continued to March 15, 2024, at 2:00 p.m. In addition, the briefing schedule on the government's motion to dismiss is hereby modified in accordance with the parties' stipulation above. The defense's opposition is to be filed on or before March 1, 2024. Any government reply is to be filed on or before March 8, 2024.

IT IS SO ORDERED.

Dated: **February 12, 2024**



UNITED STATES MAGISTRATE JUDGE